

REMARKS

Prior to entry of this Amendment, Claims 1-22, 27, 28, and 32-43 were pending in the application. In this Amendment, Claims 2, 14, and 32 have been amended; Claims 7, 9, 11, 36, 38, and 40 have been canceled without prejudice; and new Claims 44-49 have been added. Accordingly, after entry of this Amendment, Claims 1-6, 8, 10, 12-22, 27, 28, 32-35, 37, 39, and 41-49 are pending in the application. Support for new claims 44-49 may be found in the specification, claims, and figures, as originally filed.

Information Disclosure Statement

In the Office Action dated February 11, 2003, the Examiner stated that the Mayr *et al.* references, published in German, had not been considered because “[t]he information disclosure statement filed 8/27/02 ... does not include a concise explanation of the relevance” of the Mayr *et al.* references. Applicants note that a concise explanation of the Mayr *et al.* references was included in the information disclosure statement filed on August 6, 2001.

In the information disclosure statement filed on August 6, 2001, Applicants noted that “Mayr et al. (“Charakterisierung eines Stutenabortvirus aus Polen und Vergleich mit bekannten Rhinopneumonitisvirus-Staemmen aus Pferdes” (1965)) describe an agent isolated in Poland from an aborted horse fetus. The agent was characterized as an equine rhinopneumonitis virus (RAC strain). The virus was characterized with a neutralization test as a subtype 2 strain.” Further, Applicants noted that “Mayr et al. (Berliner und Munchener Tierarzliche Wochenschrift”; vol. 19, pp. 372-378 (1968)) describe the differentiation, clinical signs, epidemics, diagnosis and controls of the most important viral diseases in horses. The viruses were classified by their morphological, chemical-physical and biological properties.”

As such, Applicants respectfully contend that the information disclosure statement filed on August 6, 2001, fully complies with 37 C.F.R. § 1.98 (a)(3). Applicants respectfully request that the Examiner consider the Mayr *et al.* references and initial the Form PTO-1449.

Claim Rejections – 35 U.S.C. § 112, S cond Paragraph

In the Office Action, the Examiner rejected Claims 2, 14, and 32 under 35 U.S.C. § 112, second paragraph, for reciting the term “derivatives of ethylenimine”. Applicants have amended Claims 2, 14, and 32 and respectfully contend that, as amended, Claims 2, 14, and 32 fully comply with 35 U.S.C. § 112, second paragraph. Applicants respectfully request that the Examiner reconsider the rejection under 35 U.S.C. § 112, second paragraph.

Claim Rejections – 35 U.S.C. § 112, First Paragraph

In the Office Action, the Examiner rejected Claims 7, 9, 11, 36, 38, and 40 under 35 U.S.C. § 112, first paragraph, for “reciting subject matter which was not described in the specification in such a way as to enable one skilled in the art to pertain...to make and/or use the invention.” In this Amendment, Applicants have canceled Claims 7, 9, 11, 36, 38, and 40, without prejudice, which obviates the Examiner’s rejection under 35 U.S.C. § 112, first paragraph.

Allowable Subject Matter

In the Office Action, the Examiner stated that “Claims 1, 3-6, 8, 10, 12, 13, 15-22, 27, 28, 33-35, 37, 39, and 41-43 are drawn to allowable subject matter,” and the Examiner also provided reasons why the aforementioned claims are allowable over what the Examiner contends is the closest prior art. Applicants thank the Examiner for finding that the aforementioned claims are allowable. However, Applicants respectfully contend that there may be other reasons why the recited subject matter is allowable over what the Examiner contends is the closest prior art.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

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